

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File Number EB-02-AT-380
Small Town Communications Partners I LP)	
Operator of Cable Television System in)	NAL/Acct. No.200332480013
Cornersville, Tennessee)	
Nashville, Tennessee)	FRN 0000-0131-51

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: December 6, 2002

By the Enforcement Bureau, Atlanta Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find that Small Town Communications Partners I LP (“STC”), willfully and repeatedly violated Section 76.605(a)(12) of the Commission’s Rules (“Rules”)¹ and willfully violated Section 76.611(a)(1) of the Rules² relating to cable television signal leakage. We conclude that STC is apparently liable for a forfeiture in the amount of eight thousand dollars (\$8,000).

II. BACKGROUND

2. On October 30, 2002, an agent from the FCC Enforcement Bureau's Atlanta Field Office conducted a cable television signal leakage inspection of STC’s cable system located in Cornersville, Tennessee. The agent found that, at seven locations, cable signal leakage on the frequency 121.2625 MHz significantly exceeded 20 microvolts per meter ($\mu\text{V/m}$) at a distance of at least three meters from each leakage, in violation of Section 76.605(a)(12) of the Rules. The measured leaks ranged from 255 $\mu\text{V/m}$ to 2080 $\mu\text{V/m}$. Based on these measurements, the agent calculated the system’s cumulative leakage index (“CLI”) at a value of 68.7, exceeding the allowed cumulative signal leakage performance criteria of 64, in violation of Section 76.611(a)(1) of the Rules.³ (See Attachment B.)

III. DISCUSSION

3. Section 76.605(a)(12) of the Rules requires cable operators to limit signal leakage in the frequency band from 54 MHz up to and including 216 MHz to 20 $\mu\text{V/m}$ at a distance of 3 meters. On October 30, 2002, STC exceeded this limit at seven locations on its system in Cornersville, Tennessee.

¹ 47 C.F.R. § 76.605(a)(12).

² 47 C.F.R. § 76.611(a)(1).

³ The calculated CLI included only leaks greater than 50 $\mu\text{V/m}$, included leaks found in only 20 miles or 80% of the system inspected, and assumed no leaks in the 20% of the system not checked.

Section 76.611(a)(1) of the Rules requires cable operators to limit the CLI to a value at or below 64. On October 30, 2002, STC's cable system in Cornersville, Tennessee operated with a CLI value of 68.7.

4. Based on the evidence before us, we find that on October 30, 2002, Small Town Communications Partners I LP willfully⁴ and repeatedly⁵ violated Section 76.605(a)(12) of the Rules, and willfully violated Section 76.611(a)(1) of the Rules.

5. Pursuant to Section 1.80(b)(4) of the Rules, the base forfeiture amount for the violations cited in this notice is \$8,000 (violation of rules relating to distress and safety frequencies).⁶ Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), requires us to take into account "... the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require."⁷ Considering the entire record and the factors listed above, this case warrants an \$8,000 forfeiture.

IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act⁸ and Sections 0.111, 0.311 and 1.80 of the Rules,⁹ Small Town Communications Partners I LP is hereby NOTIFIED of its APPARENT LIABILITY FOR A FORFEITURE in the amount of eight thousand dollars (\$8,000) for willful and repeated violation of Section 76.605(a)(12) of the Rules and willful violation of Section 76.611(a)(1) of the Rules.

7. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Commission's Rules, within thirty days of the release date of this NAL, Small Town Communications Partners I LP SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

8. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment MUST INCLUDE the NAL/Acct. No. and FRN referenced in the letterhead above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and

⁴ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies equally to Section 503(b) of the Act, provides that "[t]he term 'willful,' when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

⁵ The term "repeated," when used with reference to the commission or omission of any act, "means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2).

⁶ 47 C.F.R. § 1.80(b)(4).

⁷ 47 U.S.C. § 503 (b)(2)(D).

⁸ 47 U.S.C. § 503(b).

⁹ 47 C.F.R. §§ 0.111, 0.311, 1.80.

Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.¹⁰

9. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division, and MUST INCLUDE THE NAL/Acct. No. and FRN referenced in the letterhead above.

10. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

11. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Technical and Public Safety Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

12. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Small Town Communications Partners I LP, 225 Highland Villa Circle, Nashville, Tennessee 37211.

FEDERAL COMMUNICATIONS COMMISSION

Fred L. Broce
District Director
Atlanta Office, Enforcement Bureau

Attachments

¹⁰ See 47 C.F.R. § 1.1914.

ATTACHMENT B

FIELD STRENGTH MEASUREMENTS OF SMALL TOWN COMMUNICATIONS PARTNERS I LP,
CORNERSVILLE, TN

MEASUREMENT DATE: OCTOBER 30, 2002

FREQUENCY: 121.2625 MHZ

	Measurement Location - Cornersville, Tennessee	Leakage Field Strength, $\mu\text{V/m}$
1	Pole #3 just west of intersection of Ostella Road. & Hatchell Hollow Road next to 109 Ostella Road	270
2	Pole #4 across street from 109 Ostella Road	779
3	Pole #5 across street from 109 Ostella Road	2080
4	Pole at street between 109 and 111 Ostella Road	1449
5	Pole between properties 109 and 111 Ostella Road	520
6	Pole across street from 111 Ostella Road	255
7	Pole on Main Street just west of Valley View Ave. at creek	286